IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Crl.Rev.Pet.No. 192 of 2000

CRL.A NO. 202/98 OF THE COURT OF THE SESSIONS, KOLLAM DT. 18/12/99
CC NO. 556/96 BY THE MUNSIFF – MAGISTRATE COURT, PARAVUR

REVN. PETITIONER/APPELLANT/ACCUSED

NALINAKSHAN NAIR,
S/O. APUKUTTAN PILLAI,
PROPRIETOR, INDIRA ELECTRONICS
B.T.S ROAD, ATTINGAL, THIRUVANANTHAPURAM DIST.

BY ADV. SRI.R.MADANAN PILLAI

RESPONDENTS/RESPSONDENTS/COMPLAINANT & STATE:
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1. **SANTHEESH CHANDRAN, S/O. GOPALAN,**
   ANANDA VILASAM, JAWAHAR JUNCTION,
   PERIPPALLY P.O.

2. **STATE, REP. BY THE PUBLIC PROSECUTOR,**
   HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.SHAIJAN C.GEORGE --- R1
PUBLIC PROSECUTOR SRI. P.N. SANTHOSH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY, J.

Crl.R.P. NO. 192 of 2000

Dated this the 26th day of September, 2007

Order

Petitioner was found guilty for offences punishable under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of six months. According to the private complaint filed by the first respondent, on 1.8.1996 the accused issued a cheque drawn on the South Indian Bank, Attingal Branch for Rs.50,000/-, but, when it was presented in the bank, it was dishonoured for insufficiency of funds. After completing the formalities, criminal complaint was filed. Ext.P1 is the dishonoured cheque. Ext.P2 is the dishonour slip which shows that the cheque was dishonoured for insufficiency of funds. Copy of advocate notice is Ext.P6. Ext.P7 is the postal delivery note. PW1 proved the complainant's case. PW3 bank manager proved dishonour of cheque for insufficiency of funds. Though it was contended that Ext.P1 is one of the blank cheques issued by the accused as security for a loan taken by the complainant, no evidence was adduced. In the circumstances, trial court

convicted him. The above conviction was affirmed by the Sessions Court. I see no ground to interfere in the conviction and sentence in revisional jurisdiction. The court has convicted the accused for six months. I am of the view that interest of justice will be served if six months' imprisonment is reduced as imprisonment for 15 days and award a compensation of Rs.50,000/-. On realisation of compensation, the compensation shall be paid to the complainant. Compensation amount ordered can be realised as provided under section 431 read with section 421 of the Code of Criminal Procedure.

The criminal revision petition is disposed of with the above direction affirming the conviction and modifying the sentence.

J.B.KOSHY
JUDGE

vaa

J.B. KOSHY, J.

Crl.R.P. No.192/2000

Order

Dated:26th September, 2007